

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID JOHNSON,

Defendant.

Case No. 2:12-cr-00067-LRH-GWF

ORDER

Motion to Strike Defendant's
Supplemental Declaration (#42)

This matter comes before the Court on the Government's Motion to Strike Defendant's Supplemental Declaration (#42), filed on September 12, 2012. On September 12, 2012, Defendant filed a Supplemental Declaration of Kyle Johnson (#41), which the Government requests the Court strike as improper. On September 11, 2012, the Court conducted a continuation of the evidentiary hearing on Defendant's Motion to Suppress (#17). During the hearing, defense counsel attempted to introduce the declaration of Kyle Johnson into evidence. The Government objected. The Court sustained the objection, but allowed defense counsel to read the contents of Kyle Johnson's declaration into evidence as a proffer. *See* Minutes of Proceedings (#39). In light of the Court's previous ruling, Defendant's filing of the declaration is improper. Accordingly,

IT IS HEREBY ORDERED that Government's Motion to Strike Defendant's Supplemental Declaration (#42) is **granted**.

DATED this 13th day of September, 2012.



GEORGE FOLEY, JR.
United States Magistrate Judge